



APPEALS HEARING BOARD

THURSDAY, JULY 28, 2016

Evening Session 6:30 p.m.
Wing 118-120

200 E. Santa Clara Street
San Jose, California

David Parker, Chair
Ron Cabanayan, Vice Chair
Rajwant Bains Andrew Ditlevsen
Timothy Kenny Karen Parsons
Robyn Shearin

Harry Freitas, Director
Planning, Building and Code Enforcement

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To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please call (Karla Caceres at 408-535-7720) or 408-294-9337 (TTY) as soon as possible, but at least three business days before the meeting/event.

NOTICE TO THE PUBLIC

Good evening, my name is David Parker and I am the Chair of the Appeals Hearing Board. On behalf of the entire Board, I would like to welcome you to the Appeals Hearing Board meeting of July 28, 2016.

When addressing the Board, you will first need to identify yourself and state your address for our records. Then you will be sworn in. Please make sure you fill out a speaker's card first and hand the card to the Board Secretary.

The procedure for this hearing is as follows:

- The Board Secretary will take roll, after the Chair has read the opening remarks. The board will then conduct a vote on the approval of minutes from the meeting of July 14, 2016.
- City staff will present testimony on the City's case for each item.
- After City staff's testimony the property owner or his/her representative will give testimony. Then the Board will hear testimony from other interested parties. All items submitted to the Board will be retained as evidence. We urge witnesses to testify only on those issues raised by the administrative action.
- Board members frequently ask questions. Please try to answer the questions directly.
- After the testimony the public hearing will be closed and the Appeals Hearing Board will take action on the item.
- Copies of the agenda have been placed on the table near the door for your convenience. A complete packet of the documents pertaining to the items on tonight's agenda is available to review on the desk by the Commission Secretary.
- Please turn off cell phones and pagers.

Board Mission Statement: To have a fair and objective hearing to determine violations, encourage compliance, and to hear all appeals delegated by City Council for City Administrative Action by considering all evidence presented and making an appropriate ruling based on Code for the purpose of maintaining and improving the quality of life in San Jose.

AGENDA
ORDER OF BUSINESS
6:30 PM SESSION

1. **ROLL CALL AND OPENING REMARKS**

2. **APPROVAL OF MINUTES**

Recommendation: Approval of minutes for July 14, 2016.

3. **REQUESTS FOR DEFERRALS**

4. **PUBLIC HEARINGS CONSENT CALENDAR**

5. **DEFERRED AND/OR CONTINUED ITEMS**

6. **PUBLIC HEARINGS**

a. **WEED ABATEMENT**

Public Hearing to consider the adoption of a Resolution to confirm the Hazardous Vegetation Program Assessment Report of the costs and expenses incurred to abate weeds during the 2015-2016 season and to authorize the direct placement of the costs and expenses as a special assessment against the affected properties.

b. **APPEAL OF TOW CAR BUSINESS ASSISTANT PERMIT**

Conduct a Public Hearing on the Appeal of the denial of Abel Martinez's application for a Tow-Car Business Assistant's Permit pursuant to San José Municipal Code Section 6.66.200.

c. **2868 CROFT DRIVE (659-13-004) PROPOSED ABATEMENT**

(Brigitte Marquis, Inspector / , Farris Lillian E, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of Proposed abatement and affirm the abatement action requiring the property owner take the required corrective actions by the end of ten (10) calendar days of the date of service of the Board's resolution in this matter. The recommended corrective actions are to remove any inoperable vehicles from the driveway; and to remove all overgrown vegetation (dead or alive) and all solid waste, including but not limited to, cat and animal feces/urine; debris from the front yard retaining wall that has fallen into the public right of way; and any other items, debris, trash and garbage from the front, side and rear yards, park-strip, and any other areas visible from the street and neighboring properties. All solid waste must

be disposed of properly. Garbage and recycling cans must be properly stored. All areas shall continuously be maintained free of overgrown vegetation (dead or alive), solid waste, animal waste, debris, litter and garbage in full compliance with the San José Municipal Code.

Recommendation: To affirm the proposed abatement order as set forth in the staff report.

d. **867 PETER PAN AVENUE (484-36-070) SUMMARY ABATEMENT/ CONDEMNATION**

(Sarah Stephens, Inspector/ David B. Gomez and Marcelina Castillo Rodriguez, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement and affirm the abatement to secure and condemn the property, and restrict it from use or occupancy until the water service is restored and to abate the dangerous accumulation of solid waste on the property.

Staff also recommends that the cost of the abatement work to secure the property, performed by a city approved contractor or service provider be charged to the property owner to be billed and paid in full within 30 days of the billing date.

Staff also recommends that the cost of the abatement work to remove the dangerous accumulation perform by a city approved contractor or service provider be charged to the property owner to be billed and paid in full within 30 days of the billing date.

Staff also recommends that the administrative costs be charged to the property owner to be billed and paid in full within 30 days of the billing date.

Recommendation: To affirm the summary abatement action as set forth in the staff report.

7. **REQUEST FOR EXCUSED ABSENCE**

8. **OTHER BUSINESS**

9. **OPEN FORUM – ORAL COMMUNICATIONS FROM THE PUBLIC**

10. **ADJOURNMENT**

Next Board Meeting: August 11, 2016 at 6:30 p.m. in Council Chambers.